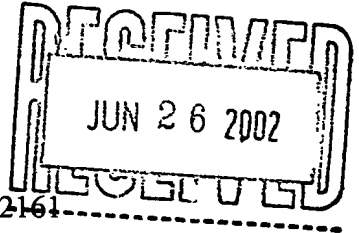




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#4
6-27-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: Atkinson et al.)
Application No.: 09/753,074)
Filed: December 29, 2000)
For: METHOD, APPARATUS, AND SYSTEM)
FOR BIDDING IN ROUNDS)

Group Art Unit: 2161
Examiner: Unassigned

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INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ. Technology Center 2100

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

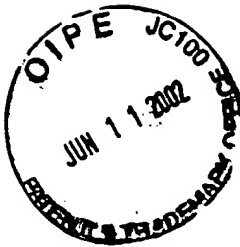
CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature [Signature] Date of Deposit June 4, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents



| <u>Patent No.</u> | <u>Issue Date</u> | <u>Inventor</u> |
|-------------------|-------------------|-----------------|
| 3,863,060 | 01/28/75 | Rode, et al. |
| 4,597,045 | 06/24/86 | Kiuchi |
| 4,799,156 | 01/17/89 | Shavit |
| 5,629,982 | 05/13/97 | Micali |
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| 5,862,223 | 1/19/99 | Walker, et al. |
| 5,890,138 | 3/30/99 | Godin, et al. |
| 5,897,621 | 4/27/99 | Boesch, et al. |
| 5,905,974 | 5/18/99 | Fraser, et al. |
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GROUP 3600

| | | |
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| 6,021,398 | 2/1/00 | Ausubel |
| 6,023,685 | 2/8/00 | Brett, et al. |
| 6,044,363 | 3/28/00 | Mori, et al. |
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| 6,078,906 | 6/20/00 | Huberman |
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| 6,199,050 | 3/6/01 | Alaia, et al. |
| 6,266,652 | 7/24/01 | Godin, et al. |

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| | | |
|------------------------|-------------------------|----------------|
| <u>Publication No.</u> | <u>Publication Date</u> | <u>Country</u> |
| 0399850A | 11/28/90 | EP |
| WO 92/15174 | 9/3/92 | WIPO |
| WO 97/37315 | 10/9/97 | WIPO |
| WO 98/34187 | 8/6/98 | WIPO |
| WO 99/63461 | 12/9/99 | WIPO |
| 409101994A | 4/97 | JP |
| 410078992A | 3/98 | JP |

Other Publications

“BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture”, Business Wire, p5150152, May 15, 1995

“FairMarket Launches New Self-Serve Auctions”, Business Wire, p6161495, June 16, 1998

Lee, “Do electronic marketplaces lower the price of goods?”, Communications of the PCM, v41n1 pp 73-80, Jan 1998

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“Online bidding software”, Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997

Sairamesh, et al., “Economic Framework for Pricing and Charging Digital Libraries”, D-Lip Magazine, February 1996

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Vigoroso, “Buyers prepare for brave new world of e-commerce”, Purchasing, v126, n6, pS4(1), April 22, 1999

Von der Fehr, et al., “Predatory bidding in sequential auctions”, Oxford Economics Papers, v46, n3, p345(12), July 1994

“What you need to know to bid in FCC’s narrowband auction”, Washington Telecom News, v2, n26, p6(2), June 27, 1994

Further, in compliance with 37 C.F.R. § 1.98(d), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) have not been provided because they were cited in parent application no. 09/252,790, filed on February 19, 1999, now U.S. Patent No. 6,230,146, issued May 18, 2001.

U.S. Patents

| <u>Patent No.</u> | <u>Issue Date</u> | <u>Inventor</u> |
|-------------------|-------------------|---------------------|
| 3,581,072 | 5/25/71 | Nymeyer |
| 4,674,044 | 6/16/87 | Kalmus, et al. |
| 4,789,928 | 12/6/88 | Fujisaki |
| 4,845,625 | 7/4/89 | Stannard |
| 4,992,940 | 2/12/91 | Dworkin |
| 5,136,501 | 8/4/92 | Silverman, et al. |
| 5,193,056 | 3/9/93 | Boes |
| 5,243,515 | 9/7/93 | Lee |
| 5,297,032 | 3/22/94 | Trojan, et al. |
| 5,375,055 | 12/20/94 | Togher, et al. |
| 5,394,324 | 2/28/95 | Clearwater |
| 5,402,336 | 3/28/95 | Spiegelhoff, et al. |
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| 5,727,165 | 3/10/98 | Ordish, et al. |
| 5,758,327 | 5/26/98 | Gardner, et al. |
| 5,758,328 | 5/26/98 | Giovannoli |
| 5,765,138 | 6/9/98 | Aycock, et al. |
| 5,774,873 | 6/30/98 | Berent, et al. |
| 5,794,207 | 8/11/98 | Walker, et al. |
| 5,794,219 | 8/11/98 | Brown |
| 5,797,127 | 8/18/98 | Walker, et al. |
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Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998

Wilder, "What's Your Bid? -- FreeMarkets' real-time online bidding technology lets clients drive down costs and improve product value", InformationWeek, November 10, 1997

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System", Communications of the ACM, No. 1, January 29, 1986

Danny Cohen, "Computerized Commerce" Information Processing 89, August 28-September 1, 1989

Applicants respectfully request that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or

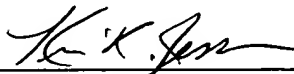
other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 4, 2002
Date

By: 
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| | | | |
|---|------------------------|--------------------------|-------------------|
| Substitute for form 1449A/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 09/753,074 |
| | | Filing Date | December 29, 2000 |
| | | First Named Inventor | Atkinson et al. |
| | | Group Art Unit | 2161 |
| | | Examiner Name | Unassigned |
| Sheet 1 of 3 | Attorney Docket Number | 046700-5032 | |

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| U.S. PATENT DOCUMENTS | | | | |
|-----------------------|----------------------|----------------------|---|---|
| Exr Initials | U.S. Patent Document | | Name of Inventor or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
| | Number | Kind Code (if known) | | |
| | 3,581,072 | | Nymeyer | 5/25/71 |
| | 3,863,060 | | Rode, et al. | 1/28/75 |
| | 4,597,045 | | Kiuchi | 6/24/86 |
| | 4,674,044 | | Kalmus, et al. | 6/16/87 |
| | 4,789,928 | | Fujisaki | 12/6/88 |
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| | 6,023,685 | | Brett, et al. | 2/8/00 |

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|--|------------------------|--------------------------|-------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Complete if Known | |
| | | Application Number | 09/753,074 |
| | | Filing Date | December 29, 2000 |
| | | First Named Inventor | Atkinson et al. |
| | | Group Art Unit | 2161 |
| | | Examiner Name | Unassigned |
| Sheet 2 of 3 | Attorney Docket Number | 046700-5032 | |

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| U.S. PATENT DOCUMENTS | | | | |
|-----------------------|----------------------|----------------------|---|---|
| Exr Initials | U.S. Patent Document | | Name of Inventor or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
| | Number | Kind Code (if known) | | |
| | 6,044,363 | | Mori, et al. | 3/28/00 |
| | 6,055,518 | | Franklin, et al. | 4/25/00 |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
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| Exr Initials | Foreign Patent Document | | | Name of Inventor or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | T ₁ |
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| | EP | 0399850A | | RECEIVED JUN 20 2002 GROUP 3600 | 11/28/90 | |
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| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | |
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| Exr Initials | Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ₁ |
| | “BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture”, Business Wire, p5150152, May 15, 1995 | |
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| | Lee, “Do electronic marketplaces lower the price of goods?”, Communications of the PCM, v41n1 pp 73-80, Jan 1998 | |
| | “Moai Technologies Introduces New categories of Business to Business Auction Software..”, Business Editors and Computer writers, March 16, 1998 | |
| | Kikuchi, et al., “Multi-Round Anonymous Auction Protocols”, IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999 | |
| | “Online bidding software”, Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997 | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

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|--|------------------------|--------------------------|-------------------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Complete if Known | |
| | | Application Number | 09/753,074 |
| | | Filing Date | December 29, 2000 O I P |
| | | First Named Inventor | Atkinson et al. |
| | | Group Art Unit | 2161 |
| | | Examiner Name | Unassigned |
| Sheet 3 of 3 | Attorney Docket Number | 046700-5032 | |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | |
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| | Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip Magazine, February 1996 | |
| | "Sold!...To the Lowest Bidder", Computer Finance, v6, n2, July 1995 | |
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| | Freemarkets Online™, "Online Industrial Market Making, An Overview of Purchasing Executives" | |
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| | Wilder, "What's Your Bid? - FreeMarkets' real-time online bidding technology lets clients drive down costs and improve product value", InformationWeek, November 10, 1997 | |
| | Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System", Communications of the ACM, No. 1, January 29, 1986 | |
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| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|